

25-7144
No.

FILED
OCT 22 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

Bruce Phillippi — PETITIONER
(Your Name)

vs.

Warden, C.S.P.-L.A.C. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USDC for the Eastern District of California

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Bruce Phillippi

(Your Name)

P.O.Box 4490

(Address)

Lancaster, Ca. 93539

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

Since District courts throughout California, and the 9th Circuit, have found that life sentenced (indeterminate) do not have a liberty interest in forfeited credits (I.E., §1983) and Wolff claims are therefore unavailable to them, = Do indeterminately sentenced inmates have a habeas remedy available to them to challenge prison disciplinary DUE PROCESS VIOLATIONS?

LIST OF PARTIES

- All parties appear in the caption of the case on the cover page.
- All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

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STATUTES AND RULES

- 28 USC § 2241(C) (FEDERAL INMATES)
 28 USC § 2254 (STATE INMATES)

OTHER Boumediene v Bush 553 U.S. 723 (2008) at p 779.

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States court of appeals appears at Appendix 1 to the petition and is

reported at case # 25-340; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix 2 to the petition and is

reported at case # 2:24-CV-02429-TLN-SCR; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

~~reported at In re: [REDACTED] 2023-01-11~~; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at ~~The record was confidential during transfer by G.D.C.R. [REDACTED]~~; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was July 29th, 2025.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from state courts:

The date on which the highest state court decided my case was ~~_____~~
A copy of that decision appears at Appendix 2.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FEDERAL DUE PROCESS

EQUAL PROTECTION

STATEMENT OF THE CASE

Petitioner is sentenced to 17 years to life: he is ~~an~~ indeterminately sentenced inmate.

He was given a prison disciplinary. At his disciplinary hearing NONE of the Wolff V. McDonnell DUE PROCESS procedural safeguards were given to him=

- (A) not given an impartial hearing officer
- (B) was not given the information/ evidence prior to the hearing
- (C) was not allowed questions
- (D) was not allowed to call witnesses (or even know who the witnesses or involved staff were)
- (E) was not allowed to call evidence (there was a video of the incident that petitioner requested but ^{was} refused) it would show petitioner was not armed (exculpatory evidence)
- (F) The hearing officer claimed petitioner was guilty due to evidence not actually part of the disciplinary evidence.

Due to the guilty finding petitioner suffers:

- (1) heightened custody level/ conditions of confinement
- (2) 35 month SHU (solitary confinement in Pelican Bay STATE PRISON SHU)
- (3) indefinite use of disciplinary to deny parole
- (4) loss of privileges
- (5) loss of good time credits (M.E.P.D.= minimum eligible parole date)

REASONS FOR GRANTING THE PETITION

Since 2011, District courts, throughout California have found that life sentenced inmates DO NOT have a §1983 liberty interest in forfeited credits and Wolff claims are therefore unavailable to them. See Roman V. Knowles (2011) U.S. Dist. LEXIS 95410 at p.43.)

Wolff claims are essentially claims that DUE PROCESS safeguards during prison disciplinary hearings were not followed.

Since 2016, district courts and the 9th circuit have not allowed indeterminately sentenced inmates in California to bring a habeas, challenging a disciplinary proceeding via habeas. see Nettles V. Grounds (9th Cir. 2016) 830 F.3d 922

In effect, between the Nettles decision and the district courts decisions; indeterminately sentenced inmates in California have NO remedy should they receive no DUE PROCESS in their prison disciplinary hearings. (unlike federal inmates, who still can, *DUE TO THAT §1983 IS STATE LAW ONLY, and Bivens claims aren't available*)

On this question, on whether condition of confinement claims can be made on habeas the 11 circuits are split. =

- 9th Cir. = Nettles V. Grounds 830 F.3d 922, 933-934
- 4th Cir. = Wilborn V. Mansukhani 795 F.Appx 157, 162-163
- 8th Cir. = Spencer V. Haynes 774 F.3d 467, 469-470
- 3rd Cir. = Cardona V. Bledsoe 681 F.3d 533, 537
- 5th Cir. = Davis V. Fechtel 150 F.3d 486, 490
- 10th Cir. = McIntosh V. U.S. Parole Comm'n 115 F.3d 809, 811-812
- 7th Cir. = Graham V. Boglin 922 F.2d 379, 381
- 6th Cir. = Martin V. Overton 391 F.3d 710, 714

The above circuits agree with Nettles V. Grounds [9th Cir.]

The following circuits conflict with the above, by stating that prisoners can bring habeas claims challenging the form of their detention =

- DC Cir. = Aamer V. Obama 742 F.3d 1023, 1036 (408 U.S. App. DC 291)
- 2nd Cir. = Adams V. United States 372 F.3d 132, 135
- 1st Cir. = Miller V. United States 564 F.2d 103, 105

Granting this petition would resolve the circuit split and restore the only remedy, habeas, that is available to indeterminately sentenced inmates in California.

THE DISSSENT, BY BERZON, CIRCUIT JUDGE, IN THE NETTLES V GROUND'S
838 F.3d 922 SPEAKS TO THE QUESTION PRESENTED AND SHOWS
HOW AND WHY NETTLES WAS DECIDED WRONGLY.

SHOULD A HABEAS REMEDY BE NOT AVAILABLE - NO REMEDY WOULD
BE AVAILABLE TO INDETERMINATELY SENTENCED INMATE WHO
HAVE THEIR PROCEDURAL DUE PROCESS SAFEGUARDS BE
VIOLATED IN THEIR PRISON DISCIPLINARY HEARINGS.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Bruce Phillippi

Date: October 22nd 2025